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10/689,290

10/20/2003

John Bryant

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EXAMINER

CARTER, CANDICE D

ART UNIT

PAPER NUMBER

3629

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/689,290 | Applicant(s) BRYANT, JOHN | |
| | Examiner CANDICE D. CARTER | Art Unit 3629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,8-10,12,15,17,18,20-23,28,29,32,34,36,40,46 and 48-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40 and 46 is/are allowed.
- 6) ☒ Claim(s) 1,2,8-10,12,15,17,18,20-23,28,29,32,34,36 and 48-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Following is a Second, Non-Final Office Action in response to communications received on December, 9, 2009. Claims 1, 2, 8-10, 12, 15, 17, 18, 20-23, 28, 29, 32, 34, 36, 40, 46, 48-50 have been amended. Claims 3, 5-7, 11, 13, 14, 16, 19, 24-27, 30-31, 33, 35, 37-39, 41-45, 47, and 51 have been cancelled. Therefore, claims 1, 2, 8-10, 12, 15, 17, 18, 20-23, 28, 29, 32, 34, 36, 40, 46, 48-50 are pending and have been addressed below.

Response to Amendment

2. Applicant has amended claim 1 in order to overcome the 35 U.S.C. 101 rejection applied in the previous office action. Examiner withdraws the 35 U.S.C. 101 rejections in reference to this and all depending claims. Claims 20, 32, and 50 have been amended and claims 31 and 35 have been cancelled to overcome the 35 U.S.C. 112, second paragraph rejections. Examiner withdraws the 35 U.S.C. 112, second paragraph rejections with respect to these and any depending claims

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1, 2, 4, 8-10, 12, 15, 17, 18, 20-23, 28, 32, 34, 36, 49, and 50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains new subject matter which was not**

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described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites the limitation "each contact has a contact code and wherein each contact of the first set of contacts is associated with a risk from the risk database with the software program by correlation of each risk code with each contact code". There is no support in the originally filed specification for this limitation. There is no mention of a contact code or mention of correlating a contact code with a risk code.

Claims 2 and 15 recite the limitation "contact code related to one or more of the group of ..." There is no support in the originally filed specification for this limitation.

Claims 8-9 recite the limitations "providing a set of information addresses correlated to a question database"; "providing a set of information at each information address"; and "providing a set of information addresses correlated to the set of risks". There is not support in the originally filed specification for these limitations. There is no mention of an information address or correlating an information address with a question or risk.

Claim 17 recites the limitation "each contact of the set of contacts is associated with a project through the use of a contact code". There is no support in the originally filed specification for this limitation.

Claim 20 recites the limitations "a contact related to a project and a contact code". There is no support in the originally filed specification for this limitation.

Claim 32 recites the limitation “the located risk is related to the answer by matching a group code for locating a contact from the set of contacts where the contact is related to the risk and the matching group code”. There is no support in the originally filed specification for this limitation. There is no mention of a “group code” in the specification.

Claim 49 recites the limitation “information blocks” and “information IDs”. There is no support in the originally filed specification for this limitation. There is no mention of an information block or ID in the specification.

5. Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phelps et al. in view of Chaloux (20030065641).

As per claim 48, Phelps et al. discloses “A method for generating a risks assessment for a project, the system comprising:

creating a project database having at least one project” (¶ 31 discloses a risk assessment database with a project table, where this is a project database).

“creating a risk database having a risk” (¶ 31 discloses a risk assessment database with a risk data table, where this is a risk database);

“receiving an answer to the at least one question” (Figs 3 and 4 disclose answering questions for the risk assessment);

“correlating the risk with the answer” (Fig. 5, discloses risks that are associated with the answers to the questions asked, where these risks are displayed via an interface)

“displaying a message associated with the risk” (Fig. 7 discloses viewing the risk in the form of a risk report.).

Phelps et al., however, fails to explicitly disclose a question database having at least one question with a question ID; at least one risk ID associated with a risk, and associated with/categorized by a set of discipline codes; and storing the risk ID in the project database.

Chaloux discloses a system for acquiring information having a question database (§ 73-78 discloses a question database with a question identifier); and a set of discipline codes (§ 85 discloses unit identifiers, where the unit represents a particular part or discipline within an organization).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of Phelps to include the question database and ID and discipline codes as taught by Chaloux in order to store questions for future use and to categorize questions according to the discipline that they apply to.

The Phelps and Chaloux combination fails to explicitly disclose a risk ID.

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps and Chaloux combination to include assigning risk IDs to risks in order to easily identify/retrieve risks from the database.

As per claim 49, Phelps discloses all of the elements of the claimed invention but fails to explicitly disclose providing a first set of information blocks related to the at least

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one question with a first set of information IDs and having a first set of network addresses; providing a second set of information blocks related to the at least one risk with a second set of information IDs and having a second set of network addresses; associating the first set of information IDs with the at least one question and displaying the first set of network address with the software program; and associating the second set of information IDs with the at least one risk and displaying the second set of network addresses with the software program.

Chaloux discloses providing a first set of information blocks related to the at least one question with a first set of information IDs and having a first set of network addresses; providing a second set of information blocks related to the at least one risk with a second set of information IDs and having a second set of network addresses; associating the first set of information IDs with the at least one question that is associated with at least one risk (Fig. 7 discloses an answer ID that is associated with a question ID and a unit ID, where the answer ID is an information ID; and ¶ 41 discloses unit devices associated with communication networks [and, inherently, corresponding network addresses] and ¶ 47 discloses that the questions may be risk assessment questions).

The Phelps and Chaloux, however, fails to explicitly disclose associating the second set of information IDs with the at least one risk; and displaying the first and second set of network addresses with the software program.

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the

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Phelps and Chaloux combination to include associating a second set of information IDs with at least one risk in order to properly indicate a risk that is associated with a risk and displaying the first and second network addresses with the software program because it is old and well known to display information.

6. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Phelps et al. in view of Chaloux and further in view of Wefers et al. (20030182337).

As per claim 50, Phelps discloses creating a risk database containing a plurality of risks creating a risk database having a risk” (§ 31 discloses a risk assessment database with a risk data table, where this is a risk database);

The Phelps and Chaloux combination, however, fails to explicitly disclose each of the risks having a completion status state identifier; displaying the plurality of risks according to each completion status identifier; and creating a set of totals for each completion status state identifier and display the set of totals with the software program.

Wefers et al. discloses, as best understood, a risk status and creating a set of totals for each risk status (§ 56 and 77 and fig. 2A discloses displaying risk status identifiers, where the risk status is the aggregate view of all of the risks assigned to an object).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the system for assessing the risk of projects of the Phelps and Chaloux combination to include the risks status identifiers in order to communicate a condition of a particular risk to a user.

The Phelps, Chaloux and Wefer et al. combination, however, fails to explicitly disclose "completion status".

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Phelps, Chaloux, and Wefer et al. combination to include a completion status indicator because it is old and well known to monitor the completion of a task.

Allowable Subject Matter

7. Claims 40 and 46 are allowed.

Response to Arguments

8. Applicant's arguments with respect to claims 48-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDICE D. CARTER whose telephone number is (571) 270-5105. The examiner can normally be reached on Monday thru Thursday 7:30am- 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. D. C./
Examiner, Art Unit 3629

/JOHN G WEISS/
Supervisory Patent Examiner, Art Unit 3629